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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/518,819 | 12/20/2004 | Lanna Li | 100682-1P US | 9884 |

52286 7590 04/27/2007
Pepper Hamilton LLP
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| EXAMINER |
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KOSACK, JOSEPH R

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| ART UNIT | PAPER NUMBER |
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1626

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 31 DAYS | 04/27/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/518,819 | Applicant(s) LI, LANNA | |
| | Examiner Joseph Kosack | Art Unit 1626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14 are pending in the instant application.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 1, and W is O.

Group II, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 2, and W is O.

Group III, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 3, and W is O.

Group IV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 1, and W is O.

Group V, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 2, and W is O.

Group VI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 3, and W is O.

Group VII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 1, and W is O.

Group VIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 2, and W is O.

Group IX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 3, and W is O.

Art Unit: 1626

Group X, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 1, and W is O.

Group XI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 2, and W is O.

Group XII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 3, and W is O.

Group XIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 1, and W is S.

Group XIV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 2, and W is S.

Group XV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 3, and W is S.

Group XVI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 1, and W is S.

Group XVII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 2, and W is S.

Group XVIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 3, and W is S.

Group XIX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 1, and W is S.

Group XX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 2, and W is S.

Group XXI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 3, and W is S.

Group XXII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 1, and W is S.

Group XXIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 2, and W is S.

Group XXIV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 3, and W is S.

Art Unit: 1626

Group XXV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 1, and W is NR9C(0).

Group XXVI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 2, and W is NR9C(0).

Group XXVII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 3, and W is NR9C(0).

Group XXVIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 1, and W is NR9C(0).

Group XXIX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 2, and W is NR9C(0).

Group XXX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 3, and W is NR9C(0).

Group XXXI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 1, and W is NR9C(0).

Group XXXII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 2, and W is NR9C(0).

Group XXXIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 3, and W is NR9C(0).

Group XXXIV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 1, and W is NR9C(0).

Group XXXV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 2, and W is NR9C(0).

Group XXXVI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 3, and W is NR9C(0).

Group XXXVII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 1, and W is NR10.

Group XXXVIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 2, and W is NR10.

Art Unit: 1626

Group XXXIX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 3, and W is NR10.

Group XL, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 1, and W is NR10.

Group XLI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 2, and W is NR10.

Group XLII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 3, and W is NR10.

Group XLIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 1, and W is NR10.

Group XLIV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 2, and W is NR10.

Group XLV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 3, and W is NR10.

Group XLVI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 1, and W is NR10.

Group XLVII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 2, and W is NR10.

Group XLVIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 3, and W is NR10.

Group IL, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 1, and W is a single bond.

Group L, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 2, and W is a single bond.

Group LI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is O, q is 3, and W is a single bond.

Group LII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 1, and W is a single bond.

Group LIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 2, and W is a single bond.

Art Unit: 1626

Group LIV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is S, q is 3, and W is a single bond.

Group LV, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 1, and W is a single bond.

Group LVI, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 2, and W is a single bond.

Group LVII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is NR8, q is 3, and W is a single bond.

Group LVIII, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 1, and W is a single bond.

Group LIX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 2, and W is a single bond.

Group LX, claim(s) 1-14, drawn to processes and compounds of Formula I or II where V is a single bond, q is 3, and W is a single bond.

The inventions listed as Groups I-LX do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: they contain different core structures and special technical features which has been determined to be two phenyl rings linked together by -V-(CH₂)_q-W-. Therefore, a finding of lack of unity of invention is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

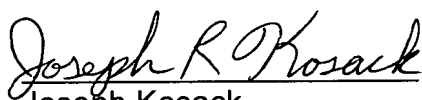
The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

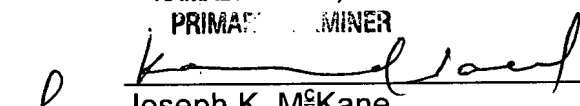
Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Kosack whose telephone number is (571)-272-5575. The examiner can normally be reached on M-F 5:30 A.M. until 2:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571)-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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